REGULAR MEETING OF THE COUNCIL

OF THE CITY OF BIRMINGHAM

November 4, 2008, at 9:30 A.M.

The Council of the City of Birmingham met in the Council Chambers of the City Hall of Birmingham on November 4, 2008 at 9:30 a.m., in regular meeting.

The meeting was opened with prayer by Reverend David Ferguson, Minister of Education and Adult Ministries at Sixth Avenue Baptist Church.

The Pledge of Allegiance was led by Councilmember Joel Montgomery

Present on Roll Call: Council President Smitherman

Councilmembers Abbott

Bell Duncan Hoyt

Montgomery (Arrived as herein indicated)

Parker Royal

Witherspoon

Absent: None

The minutes of July 15 and 22, 2008 were approved as submitted.

Mayor Langford commented on an article in the Birmingham News written by John Archibald about voting in today's election.

Mayor announced that UAB students will be running a food drive to aid the City's food drive for the local food banks beginning tomorrow through Friday. Everyone was encouraged to bring their food to the Boutwell Auditorium starting at 9:00 a.m. to 6:30 p.m.

Mayor Langford noted his speech, "What Mean These Stones?" at 16th Street Baptist Church yesterday as part of the Birmingham Chapter of Southern Christian Leadership Conference's Get Out to Vote Rally. Mayor Langford presented a video that was shown last night.

Councilmember Montgomery arrived and assumed his seat as a Councilmember.

Council President Smitherman absented herself.

In the absence of the Council President, President Pro Tempore Witherspoon presided over the meeting

Mayor Langford recognized Mike Pendleton of the Birmingham Firefighters Association who announced that the association has purchased books entitled "No Tea for Dragons" for all kindergarten and 1st grade school students to teach them about fire safety. It is dedicated to the memories of two (2) young boys who died in fires.

Councilmember Smitherman returned and took her seat as a Councilmember.

Councilmember Royal absented himself.

Announcement of Boards and Agencies Expiration for December, 2008 were read by the Deputy City Clerk

The Consent Agenda was adopted at this time but was reconsidered and readopted later in the meeting

Councilmember Royal returned and took his seat as a Councilmember.

Councilmember Montgomery absented himself.

Councilmember Parker made a motion which was second by Council Duncan, and adopted to reconsider the Consent Agenda

The following resolutions and ordinances designated as Consent Agenda items were introduced by the Presiding Officer:

RESOLUTION NO. 1405-08

BE IT RESOLVED by the Council of the City of Birmingham, that the application submitted by Bandar, Inc. to the City of Birmingham, Alabama, dated September 9, 2008, for an Off Premise Retail Beer and Table Wine License to be used at Mario Grocery, 3220 – 17th Avenue North, Birmingham, be and the same is hereby approved and recommended for grant by the Alabama Alcoholic Beverage Control Board.

Case No. SUB 2008-00084 RESOLUTION NO. <u>1406-08</u>

WHEREAS, there has been exhibited to this Council a duly acknowledged Declaration of Vacation executed by SRA Foods, being the owner(s), and the reading in part as follows:

KNOW ALL MEN BY THESE PRESENT, that the undersigned, SRA Foods, owner(s) of all lands abutting the portion of public way or ways hereinafter declared vacated, do(es) hereby declare vacated and divested out of the public the portion or portions of unopened public way or ways described as follows, to-wit:

A PART OF THE BLOCK 626 ALLEY OF THE BIRMINGHAM SURVEY (UNRECORDED); SAID ALLEY BEING BETWEEN $10^{\rm TH}$ AVENUE NORTH AND $11^{\rm TH}$ AVENUE NORTH AND WEST OF $17^{\rm TH}$ STREET NORTH SITUATED IN THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP-17-SOUTH, RANGE-3-WEST CITY OF BIRMINGHAM, JEFFERSON COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 3

BEGIN AT THE SOUTHEAST CORNER OF LOT 2-C OF THE SRA SUBDIVISION NO. 3 AS RECORDED IN MAP BOOK 218, PAGE 31 IN THE JUDGE OF PROBATE OFFICE OF JEFFERSON COUNTY ALABAMA, SAID POINT BEING ON THE NORTHERLY LINE OF SAID ALLEY, THENCE RUN SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 2-C AND ALONG SAID ALLEY FOR 97.95 FEET; THENCE TURN 90° LEFT AND RUN SOUTHEASTERLY FOR 20.00 FEET; THENCE TURN 90° LEFT AND RUN NORTHEASTERLY ALONG THE SOUTHERN LINE OF SAID ALLEY FOR 97.95 FEET TO THE NORTHEAST CORNER OF LOT 1A OF THE ANSELMO SURVEY AS RECORDED IN MAP BOOK 180, PAGE 41 IN THE JUDGE OF PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF 17TH STREET NORTH; THENCE TURN 89°57'51" LEFT AND RUN NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE FOR 20.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1,159 SF MORE OR LESS.

The vacation hereinabove declared shall be subject to such conditions and reservations for the benefit of the owners or operators of public utilities or installations in said way or ways as the governing body of the City of Birmingham may see fit to specify in a resolution of assent.

The said owner does further declare that after the vacation hereinabove declared, convenient means of ingress and egress to and from their respective properties will be afforded to all other property owners by the remaining public ways dedicated to the public for public way purposes, and,

WHEREAS, it has been made to appear to this Council that said declarant is the owner of all the land abutting on the portion or portions of public way or ways declared vacated by said Declaration of Vacation and that after the vacation of the said portion or portions of said public

way or ways convenient means of ingress and egress to and from their property will be afforded to all other property owners by the remaining public grounds dedicated to the public for public way purposes; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham as follows:

- 1. After hearing all parties and considering all information presented, the assent of this Council be, and hereby is given and granted to the vacation of the portion, or portions, of public way or ways declared vacated in the above quoted Declaration of Vacation, subject to the conditions and reservations hereinafter set out, and further, this Council finds that all other property owners will have convenient means of ingress and egress to and from their property by the remaining public grounds dedicated to the public for public way purposes and that it is in the best interest of the public that the above described public way or ways or portions thereof be vacated.
- 2. That the foregoing assent be and is hereby given upon condition that any entity, including the City of Birmingham, which may now own or rightfully maintain any public utility, facility, line or installation, including any open or closed storm or sanitary sewer, in any portion of any public way hereinabove mentioned, shall have a right and easement to continue to maintain same in its present location therein and to repair, cleanse, improve and reconstruct the same and to have convenient storm water drainage and sanitary sewer means thereto and there from for said purposes, and that there be and is hereby reserved and excluded from the said foregoing assent any assent of this Council to the vacation, annulment or impairment of the right, easement or privilege of any such entity to continue to own, maintain, repair, cleanse, improve, reconstruct and have convenient means of ingress and egress to and from such utility, facility, line or installation.
- 3. The foregoing provisions for maintenance and for ingress and egress shall mean, among other things and without limitation, that in case any building or edifice shall be constructed or placed in any portion of any of said vacated ways, it shall be constructed, placed or arranged therein so as to avoid damage to any presently existing concealed or unconcealed or patent or latent public utility, facility, line or installation in any such public way and so as to afford ways and means of ingress and egress to and from such utility, facility, line or installation for purpose of reconstruction, repair, cleansing or improvement of service of same, substantially equal to and as convenient as presently existing ways and means of ingress and egress thereto and therefrom such purposes, or such as shall be approved in writing by the owner or operator of such utility, facility, line or installation.
- 4. This resolution shall be effective only upon the payment of the right-of-way fee within sixty (60) days of the date of this resolution, the recording in the Office of the Judge of Probate of Jefferson County, Alabama, of a map or plat approved by the City Engineer and the Birmingham Planning Commission showing the vacated portion or portions of public way or ways as described above and the boundary lines of the abutting property resulting from the vacation, and notice of the governing body's action being published once in a newspaper in the county no later than 14 days after its adoption.

BE IT FURTHER RESOLVED that under the provisions of Act 785 of 1982 the right-of-way vacation fee has been set at \$662.56.

The following ordinance which was first introduced at the regular meeting on Tuesday, October 28, 2008 at 9:30 o'clock a.m., and which was deferred to the regular meeting on Tuesday, November 4, 2008 at 9:30 o'clock a.m., was called by the Presiding Officer and made a part of the Consent Agenda:

ORDINANCE NO. <u>08-227</u>

AN ORDINANCE TO FURTHER AMEND THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

Amount

Title of Appropriation	Inci	rease/Decrease
Fund 031 Neighborhood Allocation Fund Transfer to Fund 102 Capital Improvem	nent Fund <u>\$</u>	128,100.00
Appropriation Police Designation (031_202_39000_39001) _690-001 Budget Expenses – Dept Level	_ \$_	(128,100.00)
Fund 102 Capital Improvement Fund Transfer form Fund 0031 Neighborhood Allocation		128,100.00
<u>Appropriation</u> Police-4 th Floor Office and Lab Space Renovation		128,100.00
Recommendation by the Mayor:		
I recommend the above appropriation in the	amount of \$ <u>128,100.00.</u>	
•	tfully, P. Langford/s/ P. Langford	

Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$128, 100.00 encumbered and unappropriated, sufficient to meet the additional appropriation of

\$128,100.00, provided for in the proposed ordinance.

Respectfully, Steve Sayler/s/ Steve Sayler Director of Finance

ORDINANCE NO. <u>08-228</u>

AN ORDINANCE TO FURTHER AMEND THE CAPITAL BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

Title of Appropriation	Incr	Amount rease/Decrease
Fund 060 Birmingham Water Works Proceeds		
003647 Building Renovations	\$	(200,000.00)
Funds Available		(50,000.00)
003567Weed Abatement		250,000.00_
	\$	-

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$250,000.00.

Respectfully, Larry P. Langford/s/ Larry P. Langford Mayor

<u>Certification of the Director of Finance:</u>

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$250,000.00 unencumbered and unappropriated, sufficient to meet the additional appropriation of \$250,000.00, provided for in the proposed ordinance.

Respectfully, Steve Sayler/s/ Steve Sayler Director of Finance

RESOLUTION NO. 1407-08

BE IT RESOLVED by the Council of the City of Birmingham that the agreements with Imani Support Services, Inc., Birmingham, AL, in an amount not to exceed \$21,500.00, to provide financial support for a fundamental structure/building that would provide housing facility and support services to homeless, pregnant teens, be and the same hereby is approved, and;

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the agreements on behalf of the City.

Appropriated for in FY2008 - 2009 Budget

GL Account: 031_200_12020_12023.15199.540-001

RESOLUTION NO. 1408-08

WHEREAS, the Council is periodically called upon to support public events that are organized and coordinated by local organizations for the purpose of projecting a positive image and goodwill in the City; establishing rapport with the public and core constituents; gathering knowledge about community interests and issues; as well as showing appreciation to those participants who benefit from various projects and programs; and

WHEREAS, recently, the Council received an invitation from the Birmingham Professional Firefighters Association declaring the IABPFF Southeast Regional Conference that is being held November 5-9, 2008 at different venues throughout the City of Birmingham is a valuable and worthy event; and

WHEREAS, the Council has reviewed and considered relevant factors concerning this event and has determined that it serves a public purpose; and

WHEREAS, the Council finds that participation and representation at this worthy event is in the best interest of its citizens; and

BE IT RESOLVED that the Council of the City of Birmingham finds that the above-mentioned and similar events are determined to be public purposes that promote goodwill and serve a public purpose. Therefore, we request that City of Birmingham funds be used to pay for this event.

ADOPTED this Fourth day of November, Two Thousand and Eight.

RESOLUTION NO.<u>1409-08</u>

WHEREAS, the Council is periodically called upon to support public events that are organized and coordinated by local organizations for the purpose of projecting a positive image and goodwill in the City; establishing rapport with the public and core constituents; gathering knowledge about

community interests and issues; as well as showing appreciation to those participants who benefit from various projects and programs; and

WHEREAS, recently, the Council declared to host a Breakfast honoring Councilor William A. Bell, Sr. for his years of service to the City of Birmingham that is being held at City Hall in the Council Chambers on Wednesday, November 12, 2008, is a valuable and worthy event; and

WHEREAS, the Council also received an invitation to attend a Farewell Reception recognizing and thanking Councilor William A. Bell, Sr. on Wednesday, November 12, 2008, at Matthew's Bar and Grill from 5-8 p.m. at 2208 Morris Avenue is a valuable and worthy event; and

WHEREAS, the Council has reviewed and considered relevant factors concerning this event and has determined that it serves a public purpose; and

WHEREAS, the Council finds that participation and representation at this worthy event is in the best interest of its citizens; and

BE IT RESOLVED that the Council of the City of Birmingham finds that the above-mentioned and similar events are determined to be public purposes that promote goodwill and serve a public purpose. Therefore, we request that City of Birmingham funds be used to pay for this event.

ADOPTED this Fourth day of November, Two Thousand and Eight.

RESOLUTION NO. 1410-08

WHEREAS, the Council is periodically called upon to support public events that are organized and coordinated by local organizations for the purpose of projecting a positive image and goodwill in the City; establishing rapport with the public and core constituents; gathering knowledge about community interests and issues; as well as showing appreciation to those participants who benefit from various projects and programs; and

WHEREAS, recently, the Council received an invitation from Councilor Miriam Witherspoon declaring the District 7 Town Hall Meeting that is being held Thursday, November 13, 2008, 6 p.m. at Lawson State Community College, 3060 Wilson Road is a valuable and worthy event; and

WHEREAS, the Council has reviewed and considered relevant factors concerning this event and has determined that it serves a public purpose; and

WHEREAS, the Council finds that participation and representation at this worthy event is in the best interest of its citizens; and

BE IT RESOLVED that the Council of the City of Birmingham finds that the above-mentioned and similar events are determined to be public purposes that promote goodwill and serve a public purpose. Therefore, we request that City of Birmingham funds be used to pay for this event.

ADOPTED this Fourth day of November, Two Thousand and Eight.

RESOLUTION NO. 1411-08

WHEREAS, the Council is periodically called upon to support public events that are organized and coordinated by local organizations for the purpose of projecting a positive image and goodwill in the City; establishing rapport with the public and core constituents; gathering knowledge about community interests and issues; as well as showing appreciation to those participants who benefit from various projects and programs; and

WHEREAS, recently, the Council received an invitation from Crowning Achievements, Inc. declaring the Miss Magic City Scholarship Program that is being held Saturday, November 15, 2008, is a valuable and worthy event; and

WHEREAS, the Council has reviewed and considered relevant factors concerning this event and has determined that it serves a public purpose; and

WHEREAS, the Council finds that participation and representation at this worthy event is in the best interest of its citizens; and

BE IT RESOLVED that the Council of the City of Birmingham finds that the above-mentioned and similar events are determined to be public purposes that promote goodwill and serve a public purpose. Therefore, we request that City of Birmingham funds be used to pay for this event.

ADOPTED this Fourth day of November, Two Thousand and Eight.

RESOLUTION NO. 1412-08

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied SHARON & J H STIDHAM, the person responsible for the collection and remittance of the tax, doing business (DBA) as Big Jim's Pawn Co by the Finance Department, dated 9/22/08, for the period of 03/08-07/08 in the amount of \$2,025.95 for Sales Tax is deemed correct and is made final.

RESOLUTION NO. 1413-08

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied Harp, Heather, the person responsible for the collection and remittance of the tax, doing business (DBA) as Artisan Interiors by the Finance Department, dated 9/22/08, for the period of 09/07-10/07; 05/08-06/08 in the amount of \$269.90 for Sales Tax is deemed correct and is made final.

RESOLUTION NO. 1414-08

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied Arthur Cunningham, the person responsible for the collection and remittance of the tax, doing business (DBA) as JR Upholstery by the Finance Department, dated 9/22/08, for the period of 09/07-12/07; 01/08-07/08 in the amount of \$1,315.60 for Sales Tax is deemed correct and is made final.

RESOLUTION NO. 1415-08

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied **Sara Clemmer**, the person responsible for the collection and remittance of the tax, doing business (DBA) as Rearrangements/SHC by the Finance Department, dated 9/29/08, for the period of 11/2006 in the amount of \$432.05 for Sales Tax is deemed correct and is made final.

RESOLUTION NO. <u>1416-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied CONFEDERATE MOTOR COMPANY INC, PAM MILLER, the person responsible for the collection and remittance of the tax, doing business (DBA) as CONFEDERATE MOTOR COMPANY INC by the Finance Department, dated 9/30/08, for the period of 04/06 TO 08/08 in the amount of \$1,739.97, for Sales Tax is deemed correct and is made final.

RESOLUTION NO. 1417-08

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied LEWIS & LEWIS CORP & PERRY J LEWIS, the person responsible for the collection and remittance of the tax, doing business (DBA) as SANDY'S FLOWERS by the Finance Department, dated 9/22/08, for the period of 09/2006; 01/2008 in the amount of \$1,572.67, for Sales Tax is deemed correct and is made final.

RESOLUTION NO. 1418-08

BE IT RESOLVED by the Council of the City of Birmingham that the Sales Tax Assessment as levied BGR ENTERPRISES LLC, JAMES EFFERSON SR, the person responsible for the collection and remittance of the tax, doing business (DBA) as BGR ENTERPRISES LLC by the Finance Department, dated 9/12/08, for the period of 09/07/2007-07/2008 in the amount of \$1,061.00 for Sales Tax is deemed correct and is made final.

RESOLUTION NO. 1419-08

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Jesse J Lewis Sr (Assessed Owner) Aftabazam Janjua Mohammad (Apparent Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes,

322 6th Avenue South

in the City of Birmingham, more particularly described as:

LOTS 1 & 2 BLK 4 ELYTON HGLDS AS RECORDED IN MAP BOOK 0008, MAP PAGE 0094 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-2-3-20-10). LOT SIZE 125' X 102'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2005-00227

RESOLUTION NO. <u>1420-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Olivia J & Venus Feagins (Assessed Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes,

3737 Laurel Avenue SW

in the City of Birmingham, more particularly described as:

LOT 51 BLK 3 TREVELLICK AS RECORDED IN MAP BOOK 0803, MAP PAGE 0045 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,

ALABAMA (29-19-3-17-9). LOT SIZE 50' X 120'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2005-00384

RESOLUTION NO. 1421-08

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

SASS MUNI IV (Assessed Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes,

227 15th Avenue North

in the City of Birmingham, more particularly described as:

POB SW INTER OF N 15TH AVE AND N 3RD ST TH W 98 FT S ALG N 15TH AVE TH S 155 FT (S) TH N 155 FT S TH E 110 FT S ALG N 3RD ST TO POB AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-27-1-28-1). LOT SIZE 99' X 155'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00273

RESOLUTION NO. 1422-08

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Yeilding Enterprises Inc (Assessed Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

Plymouth Park

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

411 8th Terrace West (4 Unit Apt)

in the City of Birmingham, more particularly described as:

LOT 4 BLK 2 J N MILLER AS RECORDED IN MAP BOOK 0006, MAP PAGE 0046 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-34-2-29-2). LOT SIZE 99.2' X 150'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00275

RESOLUTION NO. <u>1423-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Charles D & Sara D Hardin (Assessed Owner)
Wyatt I & Patricia R Williams c/o Teresa Williams (Apparent Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

Capstone Mortgage Inc

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

3201 25th Street North

in the City of Birmingham, more particularly described as:

THE W 33 FT OF LOT 14 BLK 144 NO BHAM AS RECORDED IN MAP BOOK 0001, MAP PAGE 0111 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-14-4-34-8). LOT SIZE 50' X 100'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00276

RESOLUTION NO. <u>1424-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Hurley M Windham (Assessed Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

Anytime Bail Bonding Inc

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

2229 36th Avenue North

in the City of Birmingham, more particularly described as:

BEGIN AT PT OF INT OF SW ROW OF 36TH AVE & SW ROW OF 23RD ST TH SW ON ROW OF 36TH AVE 50 FT TH SE 140 FT TH NE 50 FT TH NW 140 FT TO POB BEING PT OF NE4 OF SW4 PT OF BLK 86 UNRECORDED MAP OF BHAM LAND CO PROPERTY AS RECORDED IN MAP BOOK 0001, MAP PAGE 0111 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (22-14-3-8-1). LOT SIZE 50' X 140'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is

hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00277

RESOLUTION NO. 1425-08

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Evvie G Wright (Assessed Owner) City of Birmingham c/o Ken Knox (Apparent Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes,

9713 Miller Avenue

in the City of Birmingham, more particularly described as:

LOT 15 BLK 1 BOOKERWOOD HEIGHTS AS RECORDED IN MAP BOOK 0015, MAP PAGE 0084 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (13-34-3-6-16). LOT SIZE 50' X 135'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00303

RESOLUTION NO. 1426-08

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Napoleon Frazier (Assessed Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

Jefferson Finance LLC

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

#16 43rd Street North

in the City of Birmingham, more particularly described as:

NO 48.5 FT OF E 37 FT OF LOT 22 BLK 2 LAIRD FALLS & WEISERS ADD TO AVONDALE AS RECORDED IN MAP BOOK 0002, MAP PAGE 0025 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-29-2-14-36). LOT SIZE 37' X 48'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00330

RESOLUTION NO. <u>1427-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Billy Earl Dorsey & Alice Still (Assessed Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

4221 Morris Avenue

in the City of Birmingham, more particularly described as:

POB 679.3 FT S SW OF S INTER MORRIS AVE & 43RD ST N TH SW 33 FT S ALG MORRIS AVE TH SE 130 S FT TO SO RAILWAY SYSTEM TH NE 33 FT S ALG R R TH NW 130 FT S TO POB LYING IN SE 1/4 OF NW 1/4 SEC 29 T 17 S R 2 W AS RECORDED IN MAP BOOK 3521, MAP PAGE 0187 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-29-2-13-21). LOT SIZE 33' X 135'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00332

RESOLUTION NO. 1428-08

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Home Investment & Construction Inc (Assessed Owner)

Thomas Price III & Joy Elizabeth Gwillim (Apparent Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes, and

Alamerica Bank Attn: Mr Matt Rockett

mortgagee of said property and that on this date the City Council will determine whether or not the building or structure located at

8020 3rd Avenue South

in the City of Birmingham, more particularly described as:

LOT 6 BLK 124 EAST LAKE AS RECORDED IN MAP BOOK 0001, MAP PAGE 0217 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (23-11-3-16-11). LOT SIZE 50' X 165'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2007-00333

RESOLUTION NO. <u>1429-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Jesse J Lewis Sr (Assessed Owner) Aftabazam Janjua Mohammad (Apparent Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes,

322 6th Avenue South

in the City of Birmingham, more particularly described as:

LOTS 1 & 2 BLK 4 ELYTON HGLDS AS RECORDED IN MAP BOOK 0008, MAP PAGE 0094 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY, ALABAMA (29-2-3-20-10). LOT SIZE 125' X 102'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2005-00227

RESOLUTION NO. <u>1430-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that proper notice having been given to

Olivia J & Venus Feagins (Assessed Owner)

the person or persons, firm, association or corporation last assessing the below described property for state taxes,

3737 Laurel Avenue SW

in the City of Birmingham, more particularly described as:

LOT 51 BLK 3 TREVELLICK AS RECORDED IN MAP BOOK 0803, MAP PAGE 0045 IN THE OFFICE OF THE JUDGE OF PROBATE OF JEFFERSON COUNTY,

ALABAMA (29-19-3-17-9). LOT SIZE 50' X 120'

is unsafe to the extent that it is a public nuisance.

BE IT FURTHER RESOLVED by said Council that upon holding such hearing, it is hereby determined by the Council of the City of Birmingham that the building or structure herein described is unsafe to the extent that it is a public nuisance and the Director of Planning, Engineering and Permits is hereby directed to cause such building or structure to be demolished.

CON2005-00384

RESOLUTION NO. <u>1431-08</u>

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of Two Hundred Seventy-Nine Thousand Dollars and no/100 (\$279,000.00), submitted by ALABAMA ROOFING AND SHEET METAL CO., INC., 1700 Hillyer Robinson Parkway, Anniston, AL 36207 (NOT IN CITY), for roof replacement at the BIRMINGHAM BOTANTICAL GARDENS, 2612 Lane Park Road, Birmingham, AL 35223; received by the Department of Planning, Engineering and Permits on October 31, 2008, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under PR125CP002851 [approp. YR08] and PEP129002801 [approp. YR08]. The contract to be awarded is let in compliance with Title 39, Code of Alabama, 1975, as amended, and all other applicable provisions of law.

BE IT FURTHER RESOLVED that the Mayor be, and he is hereby authorized to enter into a contract with Alabama Roofing and Sheet Metal Co., Inc., in accordance with said bid, providing that the total contract not exceed the appropriation.

RESOLUTION NO. <u>1432-08</u>

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the unit price bid of Two Hundred Thirty-Seven Thousand Six Hundred Fifteen Dollars and NO/100 (\$237,615.00), submitted by **DUDCO CONTRACTING, LLC.,** P.O. Box 115, McCalla, AL 35111 (NOT IN CITY), **for storm drainage and street improvements at JEANNINE COURT,** #709; **PTK# 79780,** received by the Department of Planning, Engineering and Permits on October 01, 2008, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under 129_384.652-002 [approp. YR07].

The contract to be awarded is let in compliance with Title 39, Code of Alabama, 1975, as amended, and all other applicable provisions of law.

BE IT FURTHER RESOLVED that the Mayor be, and he is hereby authorized to enter into a contract with Dudco Contracting, LLC, in accordance with said bid, providing that the total contract not exceed the appropriation.

RESOLUTION NO. <u>1433-08</u>

BE IT RESOLVED by the Council of the City of Birmingham, Alabama, that the lump sum bid of One Hundred Nineteen Thousand Five Hundred Seventy-Five Dollars and no/100 (\$119,575.00), submitted by SOUTHEASTERN TEMPERATURE CONTROLS, 320 Applegate Lane, Pelham, AL 35124 (NOT IN CITY), to install new heating units and ventilation in the greenhouse at the BIRMINGHAM BOTANTICAL GARDENS, 2612 Lane Park Road, Birmingham, AL 35223; received by the Department of Planning, Engineering and Permits on October 31, 2008, be and the same is hereby accepted, this being the lowest bid submitted, meeting specifications. The project will be funded under PR125CP002851 [approp. YR08]. The contract to be awarded is let in compliance with Title 39, Code of Alabama, 1975, as amended, and all other applicable provisions of law.

BE IT FURTHER RESOLVED that the Mayor be, and he is hereby authorized to enter into a contract with Southeastern Temperature Controls, in accordance with said bid, providing that the total contract not exceed the appropriation.

RESOLUTION NO. <u>1434-08</u>

Be it resolved by the City Council of the City of Birmingham that the bid for and the purchase of Group 1 Rain Suits and Group 3 Rain Coats as needed at the unit prices on file in the office of the Purchasing Agent for a period of one (1) year and month to month thereafter from Industrial Fire and Safety, Birmingham, AL, for the Central Stores Warehouse; be and the same hereby is approved, this being the lowest bid submitted meeting specifications.

RESOLUTION NO.1435-08

BE IT RESOLVED by the Council of the City of Birmingham that the employee expense accounts of the following be and the same is hereby approved for payment:

Corey Hooper, Police Officer, Police Department, Greensboro, NC, \$552.00, September 21 - -24, 2008, to attend Gang Training on Combating Violent Crime in Public Housing.

Tom Tiffin, Grant Administrator, Community Development, Orlando, FL, \$815.76, October 15 – 17, 2008, to attend Neighborhood Stabilization Program Training.

Karen R. Utz, Curator, Sloss Furnace, Philadelphia, PA, \$695.14, October 6 – 9, 2008, to attend Program Committee: American Association of Museums.

Jerry Wiley, Police Lieutenant, Police Department, Los Angeles, CA, \$1,721.20, September 21 – 27, 2008, to attend Telestaff Core Training.

RESOLUTION NO. <u>1436-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that the employee estimated expense accounts of the following be and the same is hereby approved for payment:

Roy Bristow, Police Detective, Police Department, Brunswick, GA, \$245.00, November 16 – 20, 2008, to attend Naval Criminal Investigation Service.

Jody Jacobs, Police Detective, Police Department, Brunswick, GA, \$822.00, November 16-20, 2008, to attend Naval Criminal Investigation Service.

ORDINANCE NO. <u>08-230</u>

AN ORDINANCE TO FURTHER AMEND THE GENERAL FUND AND CAPITAL FUND BUDGET

BE IT ORDAINED by the Council of the City of Birmingham that the budget for the Capital Fund for the fiscal year ending June 30, 2009, be and the same is hereby amended as follows:

Title of Appropriation	Increa	Amount ase/Decrease
Fund 102 Capital Improvement Fund		
Transfer to Fund 001 General Fund	\$	58,021.47
<u>Appropriation</u>		
680-001 Capital Improvement Budget-Capital Projects	\$	(58,021.47)
Fund 001 General Fund		
Transfer From Fund 102 Capital Improvement Fund	\$	58,021.47
Appropriation		
Public Works		
<u>511-002</u> R & M – Buildings - Painting	\$	19,340.49
511-003 R & M – Buildings – Building Material	\$	19,340.49
511-022 R & M – Buildings – Building & Facilities	\$	19,340.49
-	\$	58,021.47

Recommendation by the Mayor:

I recommend the above appropriation in the amount of \$58,021.47.

Respectfully, Larry P. Langford/s/ Larry P. Langford Mayor

Certification of the Director of Finance:

I hereby certify that there is available in the Capital Fund of the City of Birmingham \$58,021.47 encumbered and unappropriated, sufficient to meet the additional appropriation of \$58,021.47, provided for in the proposed ordinance.

Respectfully, Steve Sayler/s/ Steve Sayler Director of Finance

RESOLUTION NO. 1437-08

WHEREAS, the City has a need for federal funding to assist with economic development, mass transit, housing, educational and other projects to benefit the public and improve the lives of its citizens; and

WHEREAS, the professional services of a lobbying and governmental relations firm is essential to helping a municipality locate, apply for and successfully compete for federal funding; and

WHEREAS, Handprint Bell Consulting, LLC is an experienced provider of federal lobbying and governmental relations services;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Birmingham that the Mayor, on behalf of the City, is authorized to enter into a one-year agreement with Handprint Bell Consulting, LLC in an amount not to exceed \$150,000.00 (One Hundred Fifty Thousand Dollars) to represent the City in Washington D.C. and perform lobbying and other governmental relations services for the benefit of the City.

RESOLUTION NO. <u>1438-08</u>

BE IT RESOLVED by the Council of the City of Birmingham that the contract with Cultural Alliance, Birmingham, AL, in an amount not to exceed \$100,000.00 for the term July 1, 2008 through June 30, 2009, renewable annually subject to funds availability, to establish a cultural trust that raises endowment funds, develop a comprehensive and on-going program of technical assistance for cultural organizations and working artists, develop a coordinated calendaring system that tracks cultural events and support activities in Birmingham, nurture the local professional arts scene by connecting local artist organizations and individual artists with local, regional, and national resources, maximize existing educational resources, establish mechanisms to bring supporters of cultural education, engage all residents in cultural activities, events and organizations, create a centralized database of African-American and Hispanic business

people, civic and religious leaders, develop programs that assist larger cultural organizations be and the same hereby is approved, and;

Be It Further Resolved that the Mayor is hereby authorized to execute the contract on behalf of the City.

Appropriated for in FY2008-2009 Budget G/L Account: 001_400_96700_96741.550-008

RESOLUTION NO. 1439-08

BE IT RESOLVED by the Council of the City of Birmingham that the appointment of Birmingham Board of Education, Birmingham, AL, in the amount of \$10,000.00, to coordinate and facilitate the trip North Carolina A & T University, Greensboro, NC, in order for the Huffman High School Band to participate in the band competition to be held November 14 - 16, 2008, be and the same hereby is approved, and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the appointment letter on behalf of the City.

Appropriated for in FY2008 - 2009 Budget GL Account: 001 000.527.014

The resolutions and ordinances introduced as consent agenda matters were read by the Deputy City Clerk, all public hearings having been announced, and unanimous consent having been previously granted, Councilmember Duncan moved their adoption which motion was seconded by Councilmember Parker, and upon the roll being called, the vote was as follows:

Ayes: Abbott, Bell, Duncan, Hoyt, Parker, Royal, Witherspoon, Smitherman

Nays: None

The vote was then announced by the Deputy City Clerk, whereupon the Presiding Officer declared said resolutions and ordinances adopted.

Councilmember Parker absented herself and did not return to the meeting.

Councilmember Montgomery returned and took his seat as a Councilmember.

Councilmember Royal absented himself and did not return to the meeting.

Councilmember Witherspoon absented herself and did not return to the meeting.

Councilmember Hoyt absented himself and did not return to the meeting.

Akua Houston – did not appear

Byron Watts, 119 Richard Arrington Jr. Boulevard North appeared relative to the need for sidewalks in front of his business located on Richard Arrington Jr. Boulevard and to ask for help with his business to extend it to include supplying jobs for the youth.

THE FOLLOWING MATTER WAS REFERRED BACK TO THE PUBLIC SAFETY COMMITTEE:

A Resolution relative to the application of **Walter Wellborn High School Benefit Fund, Inc.** for an Annual Bingo Permit to be used at 1286 Oak Grove Road, Birmingham, on Tuesdays and Saturdays of each calendar week, and the **hearing** of all interested parties.

ALL OTHER MATTERS WENT OVER

Upon motion by the Presiding Officer, the Council adjourned at 11:30 o'clock a.m.

Approved: January 13, 2009.

,	
	Carole Smitherman/s/ PRESIDENT OF THE COUNCIL
	Carole Smitherman Printed Name
	Lee Frazier/s/ DEPUTY CITY CLERK
	Lee Frazier Printed Name
APPROVED AS TO FORM:	
Lawrence Cooper/s/	
CITY ATTORNEY	
Lawrence Cooper	
Printed Name	

NOTE: The following matter was withdrawn:

A Resolution accepting and approving the bid of **Star Recycling, Inc.,** Birmingham, for the sale of scrap metal at unit prices on file in the Office of the Purchasing Agent, for a period of one (1) year and month to month thereafter, for the City of Birmingham, this being the highest bid submitted.